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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

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10 STATE OF WASHINGTON,
11 Plaintiff,

12 v.

13 THE GEO GROUP, INC.,
14 Defendant.
15
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(SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR PIERCE COUNTY,
CAUSE NO. 17-2-11422-2)

Case No.: _____

DECLARATION OF JOAN K. MELL

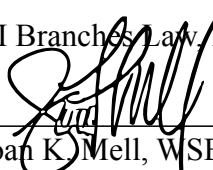
17 I, Joan K. Mell, make the following statement under oath subject to the penalty of perjury
18 pursuant to the laws of the United States and the State of Washington:

- 19
20 1. Attached are true and correct copies of the following exhibits from the Superior Court of Pierce
21 County pursuant to the Notice of Removal filed on 10/09/2017:
- 22 2. Exhibit A: Case information Cover Sheet;
- 23 3. Exhibit B: Complaint;
- 24 4. Exhibit C: Order Assigning Case to Department and Setting Hearing;
- 25 5. Exhibit D: Summons
- 26 6. Exhibit E: Declaration of Service of Summons and Complaint.

27
28 ///

1 Dated this 9th day of October, 2017 at Fircrest, WA.

2 III Branches Law, PLLC

3 
4 _____
5 Joan K. Mell, WSBA #21319

6 Attorney for The Geo Group, Inc.
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CERTIFICATE OF SERVICE

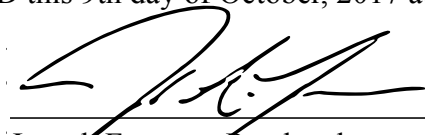
I, Joseph Fonseca, hereby certify as follows:

I am over the age of 18, a resident of Pierce County, and not a party to the above action. On October 9, 2017, I electronically filed the above Declaration of Joan K. Mell, with the Clerk of the Court using the CM/ECF system and served via Email to the following:

| ATTORNEY NAME & ADDRESS | METHOD OF DELIVERY |
|--|--------------------------------|
| Office of the Attorney General La Rond Baker, WSBA No. 43610 Marsha Chien, WSBA No. 47020 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 LaRondB@atg.wa.gov MarshaC@atg.wa.gov | ■ CM/ECF E-Service ■ E-mail |
| Norton Rose Fulbright US LLP Charles A. Deacon(Pro Hac Vice To Be File) 300 Convent St. San Antonio, TX 78205 (210)-270-7133 charlie.deacon@nortonrosefulbright.com | |
| Norton Rose Fulbright US LLP Mark Emery (Pro Hac Vice To Be Filed) 799 9th St. NW, Suite 1000 Washington, DC 20001-4501 (202)-662-0210 mark.emery@nortonrosefulbright.com | |

I certify under penalty of perjury under the laws of the State of Washington that the above information is true and correct.

DATED this 9th day of October, 2017 at Fircrest, Washington.



Joseph Fonseca, Paralegal

EXHIBIT A

September 20 2017 9:34 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-11422-2

**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
CASE COVER SHEET / CIVIL CASE**

Case Title STATE OF WASHINGTON VS. THE GEO GROUP INC.
Atty/Litigant La Rond Baker
Address 800 Fifth Ave Ste 2000
City SEATTLE State WA

Case Number 17-2-11422-2
Bar# 43610 Phone (844) 323-3864
Zip Code 98104
Email Address Text

Please check one category that best describes this case for indexing purposes.

If you cannot determine the appropriate category, Please describe the cause of action below. This will create a Miscellaneous cause which is not subject to PCLR 3.

APPEAL / REVIEW

- ☐ Administrative Law Review (ALR 2) REV 6
☐ Civil, Non-Traffic (LCA 2) REV 6
☐ Civil, Traffic (LCI 2) REV 6
☐ Land Use Petition (LUP 2) LUPA

CONTRACT / COMMERCIAL

- ☐ Breach of Contract, Commercial Non-Contract
or Commercial-Contract (COM 2) STANDARD
☐ Third Party Collection (COL 2) REV 4

JUDGEMENT

- ☐ Judgement, Another County or Abstract
Only (ABJ 2) Non PCLR
☐ Transcript of Judgement (TRJ 2) Non PCLR
☐ Foreign Judgement Civil or Judgement,
Another State (FJU 2) Non PCLR

TORT / MOTOR VEHICLE

- ☐ Death, Non-Death Injuries or Property
Damage Only (TMV 2) STANDARD

TORT / NON MOTOR VEHICLE

- ☐ Other Malpractice (MAL 2) COMPLEX
☐ Personal Injury (PIN 2) STANDARD
☐ Property Damage (PRP 2) STANDARD
☐ Wrongful Death (WDE 2) STANDARD
☐ Other Tort, Products Liability or Asbestos
(TTO 2) COMPLEX

PROPERTY RIGHTS

- ☐ Condemnation (CON 2) STANDARD
☐ Foreclosure (FOR 2) REV 4
☐ Property Fairness (PFA 2) STANDARD
☐ Quiet Title (QTI 2) STANDARD
☐ Unlawful Detainer / Eviction (UND 2) REV 4
☐ Unlawful Detainer / Contested (UND 2) REV 4

OTHER COMPLAINT OR PETITION

- ☐ Compel/Confirm Bind Arbitration, Deposit of
Surplus Funds, Interpleader, Subpoenas, Victims'
Employment Leave, or Wireless Number Disclosure,
Miscellaneous (MSC 2) REV 4
☒ Injunction (INJ 2) REV 4
☐ Malicious Harassment (MHA 2) Non PCLR
☐ Meretricious Relationship (MER 2) REV 4
☐ Minor Settlement/No Guardianship (MST2) REV 4
☐ Pet for Civil Commit/Sex Predator (PCC2) REV 4
☐ Property Damage Gangs (PRG 2) REV 4
☐ Relief from Duty to Register (RDR) REV 12
☐ Restoration of Firearm Rights (RFR 2) REV 4
☐ Seizure of Property/Comm. of Crime (SPC2) REV 4
☐ Seizure of Property Result from Crime (SPR2) REV 4
☐ Trust/Estate Dispute Resolution (TDR2) REV 12
☐ Restoration of Opportunity (CRP) REV 4

TORT / MEDICAL MALPRACTICE

- ☐ Hospital, Medical Doctor, or Other Health Care
Professional (MED2) COMPLEX

WRIT

- ☐ Habeas Corpus (WHC 2) REV 4
☐ Mandamus (WRM 2) REV 4
☐ Review (WRV 2) REV 4
☐ Miscellaneous Writ (WMW 2) REV 4

MISCELLANEOUS

EXHIBIT B

September 20 2017 9:34 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-11422-2

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8 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
9 **FOR PIERCE COUNTY**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 THE GEO GROUP, INC.,

14 Defendant.

NO.

COMPLAINT

15 **I. INTRODUCTION**

16 **1.1** The State of Washington files this action against Defendant The GEO Group, Inc.
17 (“Defendant” or “GEO”) to enforce Washington’s minimum wage laws and to remedy the unjust
18 enrichment that results from Defendant’s long standing failure to adequately pay immigration
19 detainees for their work at the privately owned and operated Northwest Detention Center
20 (“NWDC”).

21 **1.2** The enforcement of minimum wage laws is of vital and imminent concern to the
22 people of Washington as the minimum wage laws protect Washington workers and create
23 employment opportunities.

24 **1.3** Each year Washington sets an hourly minimum wage, and employees protected by
25 Washington’s minimum wage laws must be paid at least the set hourly minimum wage.
26

1 **1.4** Defendant pays detainees \$1 per day for work they perform at NWDC. This is a
2 violation of Washington's minimum wage laws, and the practice of paying detainee workers \$1
3 per day has unjustly enriched Defendant.

4 PLAINTIFF, the State of Washington, for its causes of action against Defendant GEO,
5 alleges as follows:

6 **II. JURISDICTION AND VENUE**

7 **2.1** The Attorney General is authorized to commence this action pursuant to RCW
8 43.10.030(1).

9 **2.2** Subject matter jurisdiction is proper in this Court pursuant to RCW 2.08.010,
10 RCW 7.24.010, and RCW 7.24.020 because this is an action alleging state law violations and
11 seeking declaratory and injunctive relief.

12 **2.3** Jurisdiction and venue are proper in this Court pursuant to RCW 4.12.020 and
13 RCW 4.12.025 because work performed by detainees occurs at NWDC, which is located in Pierce
14 County, and because this matter arises from Defendant's business practices and transactions at
15 NWDC.

16 **III. PARTIES**

17 **PLAINTIFF STATE OF WASHINGTON**

18 **3.1** The Attorney General is the chief legal adviser to the State of Washington. The
19 Attorney General's powers and duties include bringing enforcement actions to ensure compliance
20 with Washington laws.

21 **3.2** The Washington State Department of Labor and Industries is a state agency
22 dedicated to the safety, health, and security of Washington's 2.5 million workers. The Department
23 of Labor and Industries enacts rules and operates enforcement programs that help ensure
24 compliance with the State's wage laws.

3.3 Washington has a quasi-sovereign interest in protecting the health, safety, and well-being of its residents which includes protecting its residents from harms to their own and Washington's economic health.

3.4 Washington’s interest in preventing and remedying injuries to the public’s health, safety, and well-being extends to all of Washington’s residents, including individuals who suffer indirect injuries and members of the general public.

3.5 The enforcement of minimum wage laws is of preeminent concern to the people of Washington. The Legislature enacted minimum wage laws to protect Washington workers and safeguard “the immediate and future health, safety and welfare of the people of the state.” RCW 49.46.005(1).

3.6 Washington set the below minimum wages for 2005-2017:

| | | | |
|-----------------|---------|-----------------|--------|
| January 1, 2017 | \$11.00 | January 1, 2010 | \$8.55 |
| January 1, 2016 | \$9.47 | January 1, 2009 | \$8.55 |
| January 1, 2015 | \$9.47 | January 1, 2008 | \$8.07 |
| January 1, 2014 | \$9.32 | January 1, 2007 | \$7.93 |
| January 1, 2013 | \$9.19 | January 1, 2006 | \$7.63 |
| January 1, 2012 | \$9.04 | January 1, 2005 | \$7.35 |
| January 1, 2011 | \$8.67 | | |

See <http://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/History/default.asp> (last visited September 18, 2017).

DEFENDANT

3.7 Defendant GEO is a for-profit business operating in Washington.

3.8 Since 2005, Defendant GEO has owned and operated NWDC, which is located at 1623 E. J Street, Tacoma, Washington.

3.9 NWDC is a private immigration detention center that has the capacity to house approximately 1,575 individuals.

1 **3.10** Defendant GEO contracts with U.S. Immigration and Customs Enforcement
2 (“ICE”) for the detention of adult civil detainees, who are awaiting resolution of their immigration
3 matters. GEO has contracted with ICE to provide this service at NWDC since 2005.

4 **3.11** GEO’s contract with ICE requires GEO to comply with state and local laws and
5 codes when it operates NWDC.

6 **IV. ALLEGATIONS**

7 **4.1** Defendant relies upon detainee labor to operate NWDC.

8 **4.2** Detainees perform a wide range of work at NWDC including preparing, cooking,
9 and serving food to the detainee population; operating NWDC’s laundry service; cleaning living
10 areas and bathrooms; and regularly painting walls and buffing floors.

11 **4.3** ICE’s 2011 Performance Based National Detention Standards require Defendant
12 to pay detainees at least \$1 per day for their labor.

13 **4.4** For most work detainees perform at NWDC, Defendant pays detainees \$1 per day
14 for their labor regardless of the number of hours worked.

15 **4.5** For some work detainees perform at NWDC, Defendants do not pay detainees \$1
16 per day, and instead “pay” detainees in snack food such as chicken, potato chips, soda, and/or
17 candy.

18 **4.6** Detainees are “employees” protected by Washington’s minimum wage laws.

19 **4.7** Defendant is an “employer” for purposes of Washington’s minimum wage laws.

20 **4.8** Defendant does not pay detainee workers the state minimum wage for work they
21 perform at NWDC.

22 **4.9** Since 2005, GEO receives and has received the benefit of having necessary
23 work done at NWDC without bearing the financial burden of paying the minimum wage to
24 those who perform such work.
25
26

1 **VII. PRAYER FOR RELIEF**

2 Wherefore, the State of Washington prays that the Court:

3 **7.1** Declare that detainees who work at NWDC are “employees” as defined by RCW
4 49.46.010(3);

5 **7.2** Declare that Defendant is an “employer” of detainee workers at NWDC as defined
6 by RCW 49.46.010(4);

7 **7.3** Declare that Defendant and must comply with RCW 49.46.020 for work
8 performed by detainees at NWDC;

9 **7.4** Enjoin Defendant from paying detainees less than the minimum wage for work
10 performed at NWDC;

11 **7.5** Find and declare that Defendant has been unjustly enriched by its practice of
12 failing to adequately pay detainee workers for their labor at NWDC;

13 **7.6** Order Defendant to disgorge the amount by which it has been unjustly enriched;

14 **7.7** An award of reasonable attorneys’ fees and costs that the State incurs in
15 connection with this action; and

16 **7.8** Award such additional relief as the interests of justice may require.

17 DATED this 20th day of September 2017

18 ROBERT W. FERGUSON
19 Attorney General

20 

21 LA ROND BAKER, WSBA No. 43610
22 MARSHA CHIEN, WSBA No. 47020
23 Assistant Attorneys General
24 Office of the Attorney General
25 800 Fifth Avenue, Suite 2000
26 Seattle, WA 98104
(206) 464-7744
LaRondB@atg.wa.gov
MarshaC@atg.wa.gov

EXHIBIT C

September 20 2017 9:34 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-11422-2

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY**

STATE OF WASHINGTON
Plaintiff(s)

vs.

THE GEO GROUP INC.
Defendant(s)

NO. 17-2-11422-2

**ORDER ASSIGNING CASE TO JUDICIAL
DEPARTMENT AND SETTING REVIEW
HEARING DATE(PCLR3/PCLR40)**

Judge: **KARENA KIRKENDOLL**
Department: **17**
Docket Code: **ORACD**

Notice to Plaintiff/Petitioner(s):

- * Case filed, then served: Plaintiff(s)/Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department on the Defendant(s)/Respondent(s) along with a copy of the Summons and Complaint.
- * Case served, then filed: Plaintiff(s)/Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department within five (5) court days of filing.
- * Service by publication pursuant to court order: Plaintiff(s)/Petitioner(s) shall serve a copy of this Order Assigning Case to Judicial Department within five (5) court days of the Defendant(s)/Respondent(s) first response or appearance.

Trial Date:

A trial date may be obtained by filing a 'Note of Issue' for assignment of a trial date by noon at least six (6) court days prior to the date fixed for the mandatory hearing date set out below.

If a trial date is NOT obtained, failure to appear on the date below may result in dismissal of the case by the Court. Further, if the case has been fully resolved and all final papers have been entered by the Court, no appearance is required.

Mandatory Hearing Date: January 12, 2018 at 9:00 AM

At the time of this mandatory hearing, the Court may provide you with a Case Schedule which may include the trial date, if necessary. Failure to appear on this date may result in dismissal of the case by the Court.

Cases Agreed or by Default:

If you settle your case by entry of an order of default or agreement and all of the appropriate time requirements have been met, you may file a 'Note for Commissioner's Calendar to appear before a Court Commissioner for entry of all final papers unless presentation is allowed in the Commissioner's Ex Parte Department.



KARENA KIRKENDOLL
Department 17

September 20, 2017
Date

EXHIBIT D

September 20 2017 9:35 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-11422-2

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY**

STATE OF WASHINGTON,

NO.

Plaintiff,

v.

SUMMONS

THE GEO GROUP, INC.,

Defendant.

TO THE DEFENDANT: THE GEO GROUP, INC.

A lawsuit has been started against you in Pierce County Superior Court by the State of Washington, Plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the undersigned attorney for the Plaintiff within twenty (20) days after the service of this Summons; or if served outside the State of Washington, within sixty (60) days after service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what it asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this Summons. Within

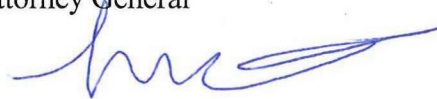
1 fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the
2 Court, or the service on you of this Summons and Complaint will be void.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly
4 so that your written response, if any, may be served on time.

5 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
6 State of Washington.

7
8 DATED this 20th day of September, 2017.

9
10 ROBERT W. FERGUSON
Attorney General

11 

12
13 LA ROND BAKER, WSBA #40694
MARSHA CHIEN, WSBA #47020
14 Assistant Attorneys General
Office of the Attorney General
15 800 Fifth Avenue, Suite 2000
Seattle, WA 98104
16 (206) 464-7744
LaRondB@atg.wa.gov
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EXHIBIT E

September 26 2017 12:39 PM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-11422-2

SUPERIOR COURT OF WASHINGTON COUNTY OF PIERCE

STATE OF WASHINGTON,
Plaintiff(s),

DECLARATION OF SERVICE

vs.

No. 17-2-11422-2

THE GEO GROUP, INC.,
Defendant(s),

ss.

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on the **20th** day of **September, 2017 @ 03:37 PM**, at the address of **WEST 505 RIVERSIDE AVE, SUITE 500 , SPOKANE**, within **SPOKANE** County, **WA, 99201** the undersigned duly served the following document(s): **ORDER ASSIGNING CASE TO JUDICIAL DEPARTMENT AND SETTING REVIEW HEARING DATE; SUMMONS; COMPLAINT** in the above entitled action upon **THE GEO GROUP, INC.**, by then and there personally delivering ONE true and correct copy(ies) of the above documents into the hands of and leaving same with **ABBY BAILEY, SECRETARY IN THE OFFICE OF CORPORATE CREATIONS NETWORK INC., REGISTERED AGENT**.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 09/22/2017
Service Fee: \$ 80.00
Return Fee: \$
Mileage Fee: \$
Misc. Fee: \$
Total Fee: \$ 80.00



780972

x C. Sauerland

C. SAUERLAND

Registered Process Server

License #: 1549

PACIFIC NORTHWEST LEGAL SUPPORT, INC.

4505 PACIFIC HWY E SUITE C2

FIFE, WA 98424

206-223-9426